

REMARKS

The above amendments and these remarks are submitted in reply to the Office Action dated April 29, 2004.

Summary of the Examiner's Objections/Rejections

The Abstract has been objected to for exceeding 150 words. The declaration is objected to for not including the signature date of one of the inventors. The drawings have been objected to for not being consistent with the specification. Claims 1 and 5-6 have been objected to as containing informalities. Claims 2-3 stand rejected under 35 U.S.C. §112, second paragraph. Claims 4 and 7-8 stand objected to as being dependent upon Claim 1.

Summary of the Applicants Amendments

The Abstract has been amended to comply with the provisions of MPEP 608.01. The specification has been amended to correct minor grammatical and typographical errors present therein, and to make the disclosure correspond to the originally filed drawings. FIG. 2 has been amended to correspond to the disclosure in the originally filed specification. Claims 9-14 have been added. Claims 1 and 5-6 have been amended. Claims 2-3 have been cancelled.

Objection to the Abstract

By this Amendment, the Abstract has been amended to comply with MPEP 608.01(b). Accordingly, reconsideration of the objection to the Abstract is respectfully requested.

Objection to the Declaration

Attached to this Amendment, as Exhibit A, please find a copy of the Declaration for the above-noted application, including the signature date of the co-inventor Richard Bramley. The Applicants submit that the attached Declaration is now in conformance with MPEP 602. Accordingly, acceptance of the Declaration is requested and reconsideration of the objection to the Declaration is respectfully requested.

Objection to the Drawings

Attached to this Amendment (above in the Drawings section), please find a corrected drawing sheet, corresponding to FIG. 2. This drawing has been corrected to coincide with the originally filed specification by amending the identifier of the illustrated method from “10” to “20”. The Applicants submit that no new matter has been added by such amendment. Accordingly, reconsideration of the objection to the drawings is respectfully requested.

Objection to Claims 1 and 4-8

By this Amendment, Claims 1 and 5-6 have been amended to overcome the informalities as pointed out by the Examiner on page 4 of the instant Office Action. Accordingly, reconsideration of the objection of Claims 1 and 5-6 is respectfully requested. As Claims 4 and 7-8 stand objected to as being dependent upon Claim 1, the Applicants respectfully submit that such claims are now allowable given the aforementioned amendment to Claim 1. Accordingly, reconsideration of the rejection of Claims 1 and 4-8 is respectfully requested.

Rejection of Claims 2-3

By this Amendment, Claims 2-3 have been cancelled. Accordingly, the rejection of the aforementioned claims has been rendered moot.

New Claims 9-14

The Applicants have added Claims 9-14 that further define a system that operates according to the novel aspects of the present invention. The Applicants submit that the aforementioned claims are also allowable over the art of record.


CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that Claims 1 and 4-14 are now in proper condition for allowance and such action is earnestly solicited.

The Commissioner is hereby authorized to charge any underpayments or credit any over payments to Deposit Account No. 16-1520 for any payment in connection with this communication, including any fees for extension of time, which may be required. The Examiner is invited to call the undersigned if such action might expedite the prosecution of this application.

Respectfully submitted,
PHOENIX TECHNOLOGIES LTD.

Date: 10/25/04

By: 

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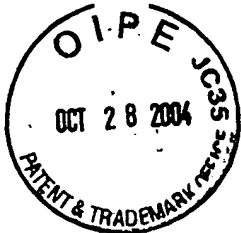
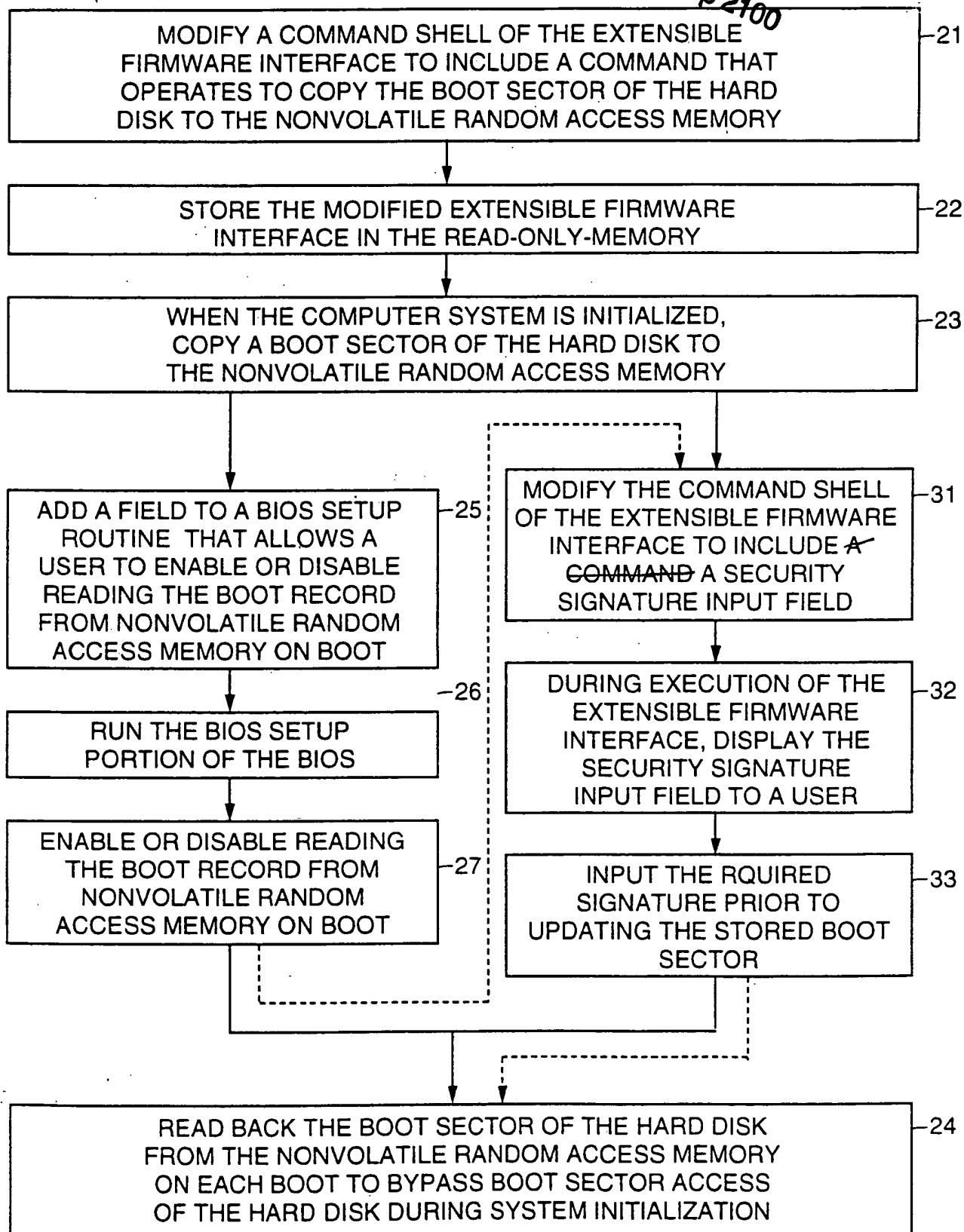
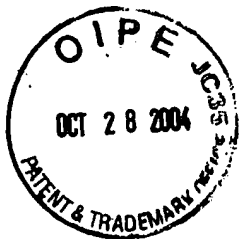


Fig. 2

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COMBINED DECLARATION FOR PATENT APPLICATION
AND POWER OF ATTORNEY

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- ☒ Original
☐ Continuation
☐ Division
☐ Continuation-in-part
☐ Supplemental
☐ PCT
☐ Design

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Extensible Firmware Interface Virus Scan

the specification of which

(check one) ☒ is attached hereto
☐ was filed on _____ as _____ Application Serial No. _____ and (a) [other than supplemental] was amended on or (b) [supplemental] with amendments through _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of the application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

			Priority Claimed	
Number	Country	Day/Month/Year filed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____		

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)
_____	_____	_____

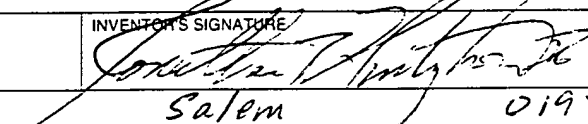
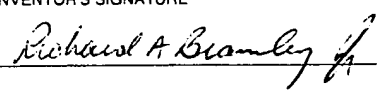
I hereby appoint the following attorneys, or agent and attorneys, to prosecute the application and to transact all business in the Patent and Trademark Office in connected therewith:

Kenneth W. Float, Registration No. 29,233

Address all correspondence to Claudia Cameron, Legal Assistant, Phoenix Technologies Ltd., 411 East Plumeria Drive, San Jose, CA 95134. Please address telephone calls to Claudia Cameron at (408) 570-1038

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST JOINT INVENTOR Jonathan T. Huntington II	INVENTOR'S SIGNATURE 	DATE 10/10/00
RESIDENCE 11 Winter Street	Salem 01970 Attleboro MA 02703	CITIZENSHIP U.S.A.
POST OFFICE ADDRESS 11 Winter Street Salem MA 01970 157 Dexter Street, Attleboro, MA 02703		
FULL NAME OF JOINT INVENTOR Richard A. Bramley, Jr.	INVENTOR'S SIGNATURE 	DATE 10/10/00 ^{RAB}
RESIDENCE 12 Gloria Drive	Mansfield MA 02048	CITIZENSHIP U.S.A.
POST OFFICE ADDRESS 12 Gloria Drive, Mansfield, MA 02048		
FULL NAME OF JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		
FULL NAME OF JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		
FULL NAME OF JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		
FULL NAME OF JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		

WHEREAS, I (We), as below named sole inventor (if only one name is listed below) or joint inventor (if plural names are listed below), of the city and state as stated below next to my (our) name(s), have invented a(an)
Extensible Firmware Interface Virus Scan

for which application for Letters patent of the United States has been executed by me (us) on this day, or (if the following is completed) filed on _____ as Serial No. _____; and

WHEREAS Phoenix Technologies Ltd., (hereinafter "Phoenix") having a place of business located at 411 East Plumaria Drive, San Jose, CA is desirous of acquiring the entire and exclusive right, title and interest in, to and under said invention, said application and any and all Letters Patent that may be granted therefor in the United States and throughout the world;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, I (we) do hereby sell, assign and transfer unto Phoenix, its successors and assigns, the entire right, title and interest, including the right of priority, in, to and under said application for Letters Patent of the United States and of countries foreign thereto which may be granted thereon or therefor.

Name(s) of inventor(s)

Address

Jonathan T. Huntington II

First Inventor

Richard A. Bramley, Jr.

Second Inventor

Third Inventor

Fourth Inventor

Fifth Inventor

Sixth Inventor

11 Winter St Salem MA 01970 (JTH)
457 Dexter Street, Attleboro, MA 02703

12 Gloria Drive, Mansfield, MA 02048

And for the above consideration, I (we each) agree promptly upon request from Phoenix, its successors or assigns, to execute and deliver without further compensation any power of attorney, assignment, application, whether original, continuation, divisional or reissue, or other papers which may be necessary or desirable fully to secure to Phoenix, its successors and assigns, the inventions described in said application and all patent rights therein, in the United States and in any country foreign thereto, and to cooperate and assist in the prosecution of interference proceedings involving said inventions and in the adjudication or reexamination of such Letters Patent provided the expenses which may be incurred by me in lending such cooperation and assistance are paid by Phoenix.

IN WITNESS WHEREOF, I (we) hereunto set my (our) hand(s) and seal(s):

Jonathan T. Huntington II
Inventor's Signature

10/10/07
Assignment Execution Date

Richard A. Bramley Jr
Inventor's Signature

10/10/07
Assignment Execution Date

Inventor's Signature

Assignment Execution Date

Inventor's Signature

Assignment Execution Date

Inventor's Signature

Assignment Execution Date

Inventor's Signature

Assignment Execution Date

ASSIGNMENT

PATENT
00-1004

STATE OF Massachusetts)
COUNTY OF Norfolk) ss.:

BEFORE me this 10th day of October, 192000, personally appeared
Jonathan T. Huntington, II who is ☐ personally known or ☒ proved to me on the
basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his
free act and deed

Esther M. Cornman
Notary Public
MY COMMISSION EXPIRES: DEC. 29, 2000

STATE OF Massachusetts)
COUNTY OF Norfolk) ss.:

BEFORE me this 10th day of October, 192000, personally appeared
RICHARD A. BRIMLEY, JR. who is ☐ personally known or ☒ proved to me on the
basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his
free act and deed

Esther M. Cornman
Notary Public
MY COMMISSION EXPIRES: DEC 29, 2000

STATE OF _____)
COUNTY OF _____) ss.:

BEFORE me this _____ day of _____, 19____, personally appeared
_____ who is ☐ personally known or ☐ proved to me on the
basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be h____
free act and deed

Notary Public

STATE OF _____)
COUNTY OF _____) ss.:

BEFORE me this _____ day of _____, 19____, personally appeared
_____ who is ☐ personally known or ☐ proved to me on the
basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be h____
free act and deed

Notary Public